



**TOWN OF NANTUCKET
BOARD OF HEALTH**

**COVID-19 EMERGENCY ORDER #16
EFFECTIVE DATE: 8/5/2021**

WHEREAS, on May 20, 2021, based on information from federal and state authorities that the threat presented by the spread of COVID-19 was subsiding, the Board of Health rescinded all COVID-19 emergency orders then in effect;

WHEREAS, there has recently been a significant increase in COVID-19 cases and hospitalizations due primarily to the Delta variant of SARS-CoV-2, the virus that causes COVID-19. Emerging evidence indicates that the Delta variant is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others;

WHEREAS, the U.S. Centers for Disease Control and Prevention (CDC) recommends that all persons—regardless of vaccination status—wear face coverings indoors. Although vaccination remains the best and most effective tool in preventing COVID-19 and its harms; evidence shows that even against the Delta variant, fully vaccinated individuals have substantial protection against severe illness, hospitalization, and death; and

WHEREAS, despite vaccination rates, the threat of COVID-19 poses a significant threat to the health and safety of the residents, workers and visitors to the Island of Nantucket.

NOW, THEREFORE, pursuant to the Massachusetts General Laws, Chapter 111, Sections 31 and 122, 310 CMR 11.05, 105 CMR 300.200 and all other authorizing statutes and regulations, we, the members of the Nantucket Board of Health hereby order the following:

RECOMMENDATIONS

1. It is recommended that all persons who do not reside in the same household maintain a physical distance of six feet, when possible and when in a location that is open to the public. Wearing a mask is not a substitute for maintaining 6 feet of physical distancing.

2. It is recommended that all non-vaccinated individuals wear a mask or face covering in all public places, whether indoors or outdoors.

ORDER

3. In addition to physical distancing and in an effort to protect the Public Health, all persons, including customers and staff working in areas accessible to customers, shall wear a cloth face covering that covers their nose and mouth, such as a fabric or surgical mask, whenever they are indoors on the premises of a business, club, place of assembly or other place that is open to members of the public, including but not limited to retail establishments, restaurants, bars, performance venues, social clubs, event spaces, places of religious worship and municipal buildings.
4. Restaurants, indoor-bar and dance venue customers may only remove face coverings when seated at tables or seated at the bar. Patrons standing or ordering at the bar must be masked. Guests must be masked on indoor dance floors.
5. This Order shall not apply to informal gatherings at private residences in which no compensation for use of the property is paid to the owner.
6. This Order shall be in place until it is rescinded by the Board of Health.
7. Notwithstanding any provision in this Order, pursuant to guidance issued by the CDC face coverings should not be placed on young children under 2-years-old, anyone who has trouble breathing, anyone who is unconscious, incapacitated or otherwise unable to remove the mask without assistance, or anyone who due to disability is unable to wear a mask.
8. The mask requirement shall not apply to performers, while performing, provided that they are at least six feet away from any customers.
9. To the extent necessary, this Order shall be enforced by the Nantucket Health Agent, assistant Health Agent and all other agents for the board of health.
10. Whoever violates any provision of this Order may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law.
11. If non-criminal disposition is elected, then any person who violates any provision of this Regulation shall be subject to: for a first offense, a written warning; for a second offense, a penalty in the amount of one hundred dollars (\$100), for a third offense, a penalty of two hundred dollars (\$200); and for a fourth or subsequent offense, a penalty in the amount of three hundred dollars (\$300.00). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.